TRAINING BUREAU

SHOOTING/FORCE INCIDENT

TRAINING ANALYSIS

IAB File Number: 006509 ***Station File Number:*** 093-19585-0532-055

Date: 11-08-93 ***Day:*** Monday ***Time:*** 2050 Hrs.

Location: [redacted] Kelburn Ave., Rosemead ***Station:*** Temple

Shooting X ***Force*** ___ ***On Duty*** X ***Off Duty*** ___

Type of Force Used: Firearms

Deputy(s) Involved:

Name Prescott, Charles ***Emp #*** [redacted] ***Unit*** 53 V

Name Harris, Thomas ***Emp #*** [redacted] ***Unit*** 53 V

Name Follen, Victor ***Emp #*** [redacted] ***Unit*** 53

Name Mays, James ***Emp #*** [redacted] ***Unit*** 53 H

Name Sarpy, Allen ***Emp #*** [redacted] ***Unit*** 53 T-1

Source: Call X ***Obs.*** ___ ***Detail*** ___

Type of Incident (211N, 415F, etc.) 211N/187 P.C.

Protective Vests Worn: Yes X ***No*** ___

Approved William R. Mangan 12/31/93

CONTENTS W. R. MANGAN NOTED

12-28-93 CONTENTS R. L. CASTRO NOTED

SHOOTING/FORCE INCIDENT

Uniform X ***Plain Clothes*** ____________

NARRATIVE ATTACHED

Prepared by: Sergeant Robert Westphal, Weapons Training

Prepared by: Deputy John Rhodes, Laser Village

SHOOTING/FORCE INCIDENT
TRAINING ANALYSIS

I. PRE-INCIDENT ISSUES

This incident occurred in the evening hours of November 08, 1993, at [redacted] Kelburn Avenue, Rosemead.

At 2050 hours, Temple Station deputies responded to a 212.5 (a) P.C., residential robbery in progress call at the Kelburn location. Additional information described a gray four door vehicle parked in front of the location with a "male" in the driver's seat and three other males who had entered the victim's residence.

As Units 53 (Deputy Follen, Victor #[redacted]), 53 T2 (Deputy Sarpy, Allen #[redacted]) and 53 H (Deputy Mays, James #[redacted]) arrived at the location, they were contacted by an unknown informant who stated that the "[redacted] house" on the [redacted] corner of Kelburn Avenue and Newmark Avenue (location) is being robbed and one suspect is sitting in a parked car in front.

All three deputies then approached the vehicle, detained the suspect (Huynh, Phong Tan MA/18) and placed him on the ground adjacent to his vehicle. Unit's 55 T-1 (Deputy Whitham, Thomas #[redacted]) and 53 A (Deputy Klement, Tim #[redacted]) had taken positions at the rear of the location.

While detaining the suspect, a "male" (n.f.d.) was observed opening a window in an apparent attempt to exit the residence. From their position in front of the location, the deputies then ordered the male out of the residence. Approximately ten seconds later, two male Asian suspects ran from the west side of the residence and then southward through the rear yard. As the first suspect scaled a fence into a neighboring yard, the second suspect fired "approximately four rounds" toward the deputies who were positioned in front of the location.

As each of the three deputies returned fire, the second suspect scaled the fence and ran out of sight. The deputies at the rear observed a suspect running from the residence and took cover when they heard gun shots. No one was injured in the exchange of gun fire.

At the time of this memorandum, there is no information available as to how many rounds were fired by Deputies Follen, Mays and Sarpy.

I. PRE-INCIDENT ISSUES (CONT.)

The deputies requested assistance (including K-9 Units, Aero and S.E.B.) and set up a containment. A command post was located at the corner of San Gabriel Boulevard and Graves Avenue.

Upon S.E.B.'s arrival, they were briefed and then deployed, along with K-9 Units, to conduct an area search and to clear the location. Homes in the immediate area were evacuated.

One suspect (Ly, Thanh MA/19) was detained as a result of the containment and was later identified by Deputy Mays as the suspect who shot at him earlier. The containment produced two other suspects (Do, Tung Dien MA/29 and Thai, Kiet MA/30) who were identified as robbery participants.

With victims (and possibly suspects) still inside the location, phone calls were made into the residence and announcements were made via Air-21 and ground units (in English and Chinese) in an effort to contact persons inside the house. The six victims finally exited the location and were transported to the command post.

A search of the residence by S.E.B. deputies produced another suspect (Hong, Cuong MA/23) hiding underneath a bed in the northeast bedroom.

A separate but related shooting incident occurred approximately three and one half hours after the original call and involved Temple Unit 53 V, Deputies Harris, Thomas #[redacted] and Prescott, Charles #[redacted].

During the containment that was still in place after the first shooting incident, Deputies Harris and Prescott were instructed by S.E.B. deputies to take a position in the rear yard of a residence at [redacted] Kelburn Avenue (one house [redacted] of the primary location).

While still behind the neighboring residence, Deputy Prescott heard a sound from the rear service porch area. He stepped onto the porch to investigate and found himself face to face with a suspect (Doe, John MA/18-25) who was hiding next to a clothes dryer and under a sink. Suspect Doe was pointing a pistol at Deputy Prescott and at one point the muzzles of each weapon touched.

II. SHOOTING INCIDENT ISSUES

Deputy Prescott shouted for the suspect to drop his gun and was told, "Fuck You!". Feeling that he was going to be shot, Deputy Prescott fired one round at the suspect and then retreated off the porch.

Deputy Harris, who believed that Deputy Prescott was about to be shot, provided cover fire by firing several rounds through the plywood wall of the porch toward the area where Deputy Prescott had fired. Deputy Harris then stepped onto the porch and fired several more rounds at the suspect through the clothes dryer. He expended a total of six rounds.

The suspect sustained a single gunshot round to his face and was pronounced dead at Garfield Hospital.

Each deputy used Department issued ammunition in Department issued Beretta 92F semi-automatic pistols.

III. POST INCIDENT ISSUES

In the first shooting incident involving Deputies Follen, Sarpy and Mays, there were no injuries sustained due to the exchange of gunfire.

A containment was promptly initiated as was the establishment of a command post. Witnesses and informants were identified and transported either to the command post or Temple Station.

In the second incident involving Deputies Harris and Prescott, a request for paramedics was immediately made and the suspect was treated at the scene by Los Angeles County Fire Squad #90 and then transported to Garfield Medical Center via Medivac #45. The suspect was pronounced dead at 0049 hours by Staff Dr. Winn.

The crime scene was properly contained and a major incident log had been initiated and was being properly maintained.

Witnesses at the scene and at the command post were transported to Temple Station, as were the deputies involved in the shooting.

Two 9mm semi-automatic pistols were recovered (including suspect Doe's weapon).

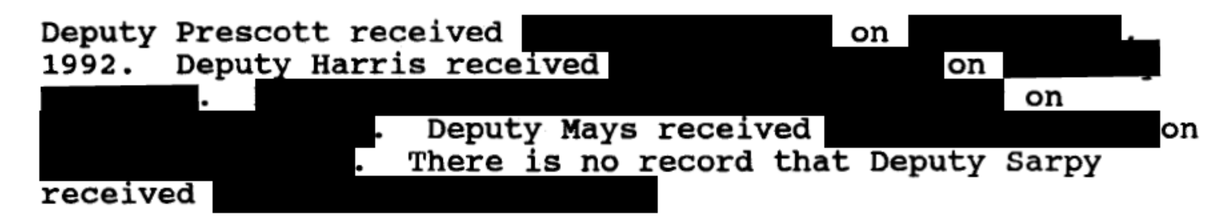
IV. **TRAINING ISSUES**

There are training issues in each of the two shooting incidents that should be examined.

The question of whether or not responding deputies should have approached a vehicle parked in front of a robbery location was answered by Deputy John Rhodes of Laser Village.

Deputy Rhodes stated the deputies acted in accordance with current training when they detained the suspect in the vehicle since it was unknown whether or not he was a lookout with communications to the inside of the residence. Further, he stated that it would be poor tactics to leave a suspect, who might be armed, in front of the location while a containment was set up around the residence.

With regard to the second shooting incident where both deputies shot at a suspect on the service porch, Deputy Rhodes stated that tactics utilized by both deputies were not in conflict with the curriculum that is currently taught at Laser Village.


Deputy Prescott received [redacted] on [redacted] 1992. Deputy Harris received [redacted] on [redacted]. [redacted] on [redacted]. Deputy Mays received [redacted] on [redacted]. There is no record that Deputy Sarpy received [redacted]

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

OFFICE CORRESPONDENCE

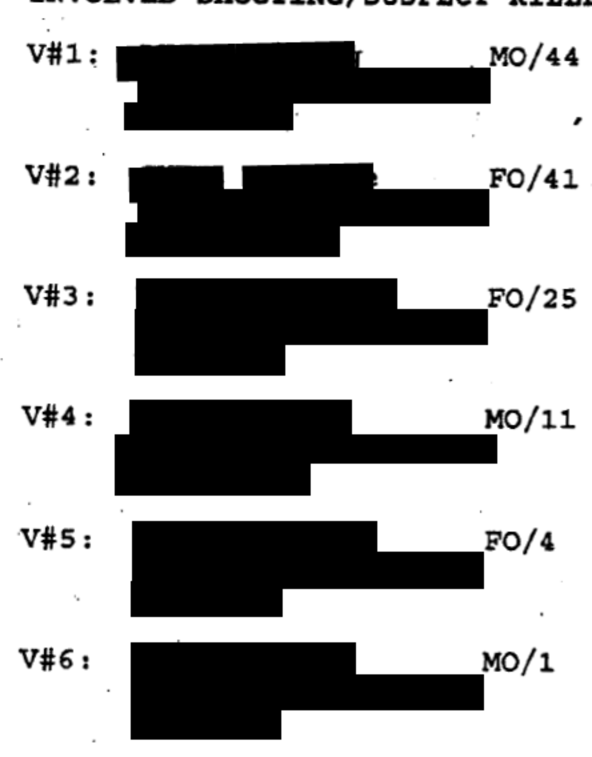
DATE:
November 9, 1993
FILE:
093-19585-0537-055

CONTENTS
CHIEF GRAHAM
NOTED

FROM: MICHAEL A. NELSON, A/CHIEF
DETECTIVE DIVISION

TO: SHERMAN BLOCK
SHERIFF

SUBJECT: **RESIDENTIAL ROBBERY/ATTEMPT MURDER OF A POLICE OFFICER/DEPUTY INVOLVED SHOOTING/SUSPECT KILLED (Temple Station Area)**



V#1: [redacted] MO/44

V#2: [redacted] FO/41

V#3: [redacted] FO/25

V#4: [redacted] MO/11

V#5: [redacted] FO/4

V#6: [redacted] MO/1

V#7: FOLLEN, Victor MW/28 Deputy
(Assigned to Temple Station)

V#8: MAYS, James MW/29 Deputy
(Assigned to Temple Station)

V#9: SARPY, Alan MB/29 Deputy
(Assigned to Temple Station)

V#10: PRESCOTT, Charles MW/30 Deputy
(Assigned to Temple Station)

☐ SHERIFF	☐ CHIEF - F.O.R. II	☐ CHIEF DETECTIVES	☐ CAPT HOMICIDE
☐ UNDERSHERIFF	☐ CHIEF - F.O.R. III	☐ CDR. DETECTIVES	☐ CAPT. NARCOTICS
☐ ASSISTANT SHERIFF	☐ CHIEF - TECH. SERV.	☐ CAPT. CENTRAL INVEST.	☐ INFORMATION BUREAU
☐ CHIEF - ADMIN. DIV.	☐ CHIEF - COURT SERVS. DIV.	☐ CAPT. JUV. INVEST.	☐ CONTRACT LAW
☐ CHIEF - CUSTODY DIV.	☐ COMMANDER -	☐ CAPT. COMM. CRIMES	☐ PSYCHOLOGICAL SERVICES
☐ CHIEF - F.O.R. I	☐ CAPTAIN -	☐ CAPT. VICE	

L: [redacted] Kelburn Avenue (of Robbery)
Rosemead

[redacted] Kelburn Avenue (of Shooting)
Rosemead

T: of Robbery: 2038 Hours; 11-08-93
of Shooting: 0008 Hours; 11-09-93

S#1:	DOE, John	MO/18-25	(Deceased)
S#2:	LY, Thanh	MO/19	(In Custody)
S#3:	DO, Tung Dien	MO/29	(In Custody)
S#4:	HONG, Cuong Tu	MO/23	(In Custody)
S#5:	HUYNH, Phong Tan	MO/18	(In Custody)
S#6:	THAI, Kiet	MO/30	(In Custody)

<u>DEPUTIES INVOLVED</u>

Prescott, Charles E. MW/30 Deputy #[redacted] 

04/90	Present	Temple Station, Field Operations Region I
[redacted]	[redacted]	[redacted]
05/86	08/86	Biscailuz Center, Custody Division

(Fired one round of Department issued 9mm ammunition from his Department issued Beretta, Model 92-F semiautomatic pistol)

Harris, Thomas D. MW/33 Deputy #[redacted] 

09/89	Present	Temple Station, Field Operations Region I
[redacted]	[redacted]	[redacted]
12/83	02/84	Biscailuz Center, Custody Division

(Fired six rounds of Department issued 9mm ammunition from his Department issued Beretta, Model 92-F semiautomatic pistol)

Captain Donn P. Brooks, Homicide Bureau, advises:

The following information is fragmentary and has not been completely verified. It is based in part on hearsay and is intended for early informational use rather than being a formal investigative report.

The suspects committed an invasion robbery of Victim [redacted] and his family's home, and then exchanged gunfire with responding deputies. Deputies Prescott and Harris later found the unidentified suspect who at that time pointed a pistol at Deputy Prescott. Both deputies fired, killing the suspect.

The victim's neighbors called Temple Station and advised that a home robbery was in progress, and that one suspect was in a car parked in front of the victim's home.

Responding deputies found and arrested Suspect Huynh without incident.

Several other suspects then ran from the back door of the location and one of them fired a pistol at the deputies standing in and near the driveway.

Deputies Follen, Mays, and Sarpy returned fire; however, no one was injured in that exchange.

The area was contained and Suspects Ly and Do were arrested without incident on Denton Avenue, west of the location. Suspect Thai was arrested without incident on Falling Leaf Avenue, east of the location.

The victims after considerable urging, left their home and reported that the suspects had fired a shot to frighten them, then took $3,500.00 in cash and miscellaneous gold jewelry. They pushed the victims and threatened to kill their baby prior to the deputies arrival.

Three and one half hours after the original incident, the area was still being contained as Canine Units checked for additional suspects. Deputies Follen, Prescott, and Harris were in a position on the north rear yard fence line of the residence just south of the location.

Deputy Prescott heard a sound from the rear service porch of that residence and stepped onto the porch to investigate. As he walked between a washer and dryer, he found himself inches away from Suspect John Doe who was crouched behind the dryer and under a sink.

Suspect Doe was pointing a pistol at Deputy Prescott and its muzzle actually touched the muzzle of Deputy Prescott's Beretta. Deputy Prescott shouted for the suspect to drop the gun and the suspect responded, "Fuck You!" Deputy Prescott believed he was about to be shot and fired a single round at the suspect.

Deputy Harris heard Deputy Prescott shout for the suspect to drop his gun and saw him fire. He believed that Deputy Prescott was about to be shot and fired several rounds through the four foot high plywood wall of the porch, in the direction Deputy Prescott had fired. He then stepped onto the porch and fired several more rounds at the suspect through the clothes dryer.

The suspect sustained a single gunshot wound to his face. He was transported to Garfield Hospital where he was pronounced dead.

The suspect's weapon, a 9mm semiautomatic pistol, and a second 9mm pistol, discarded by another suspect, were recovered. Numerous empty 9mm shell casings were also recovered.

Deputies searched the original location and found Suspect Hong hiding in a bedroom. He was arrested without incident.

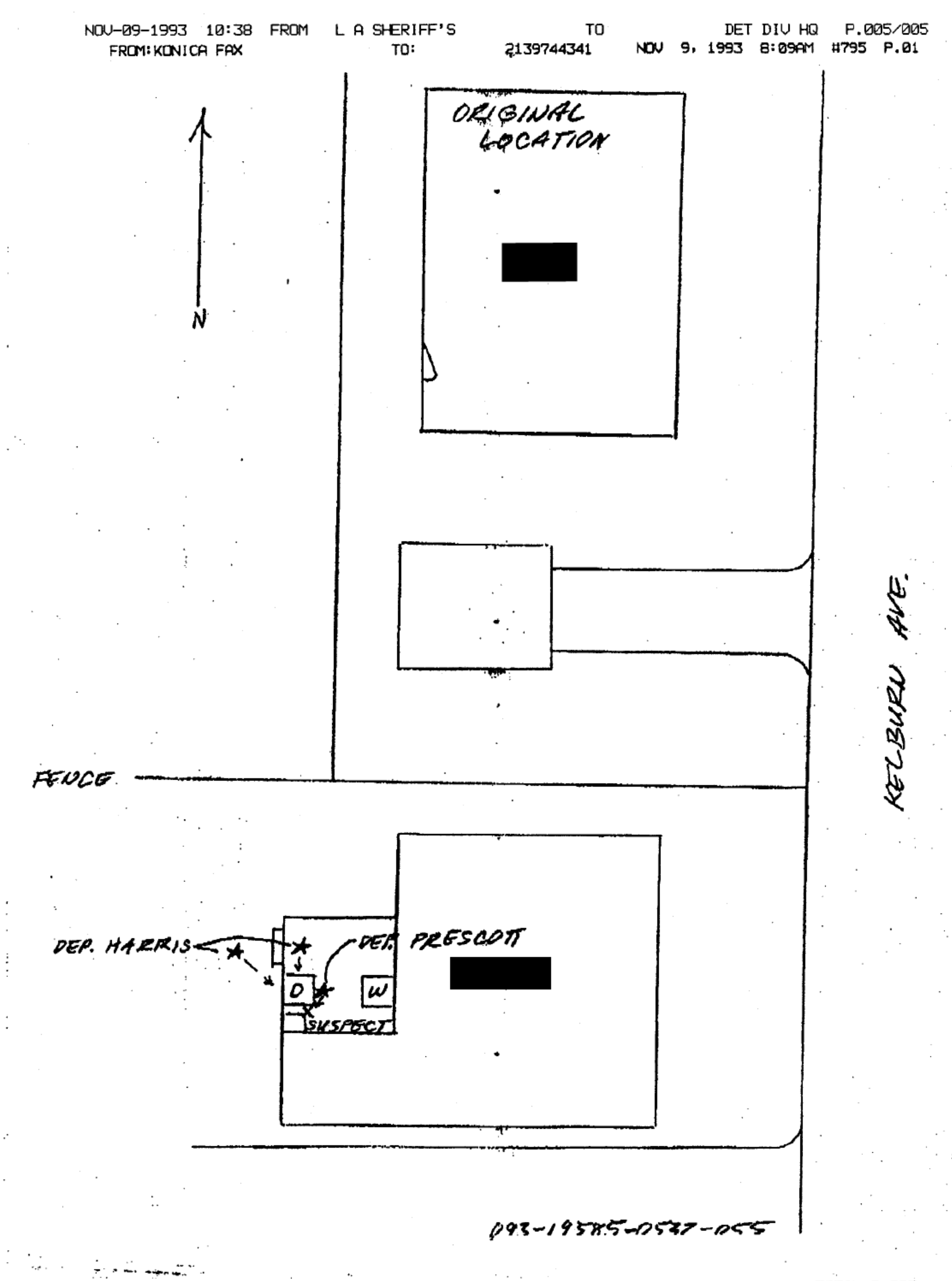
None of the victims were injured, and to date, none of their property has been recovered.

Deputies Harris and Prescott's weapons will be transported to the Sheriff's Criminalistics Laboratory for testing.

Deputy District Attorney Investigator Katherine Mader and District Attorney Investigator William Duncan of the District Attorney's Special Investigations Division responded to the scene and were briefed, together with personnel from the Professional Standard and Training Division by Lieutenant Brown.

The Information Bureau was notified for an operational log entry and press release.

JB:JA:slm


ORIGINAL LOCATION
[redacted]
N
KELBURN AVE.
FENCE
DEP. HARRIS
DEP. PRESCOTT
D
W
SUSPECT
[redacted]
093-19585-0537-055